

**LOCAL EMERGENCY ORDER**  
**PURSUANT TO EXECUTIVE LAW – SECTION 24**

**WHEREAS**, on July 6, 2021, the Governor of New York issued Executive Order 211, declaring a State Wide Disaster Emergency Due to Gun Violence, which Declaration of Disaster Emergency remains in effect to this day; and

**WHEREAS**, the New York Declaration of Disaster Emergency recited that gun violence in the City of Rochester since January 2021 was up 95% over the preceding year; and

**WHEREAS**, on December 13, 2021, I, James P. Smith, Mayor of the City of Rochester, New York, issued a proclamation of Local State of Emergency due to gun violence in the City of Rochester; and

**WHEREAS**, as of December 6, 2021, there have been 337 shooting incidents in calendar year 2021 resulting in injuries to 405 victims; and

**WHEREAS**, the City's total homicides for 2021 are higher than in any past year; and

**WHEREAS**, a number of shootings have taken place at commercial establishments including restaurants, bars and other places of entertainment and amusement; and

**WHEREAS**, shootings that occur at such locations are more likely to cause injury to multiple victims due to the number of individuals present at such locations; and

**WHEREAS**, Executive Law § 24 gives the Mayor broad powers to protect life and property and to bring the emergency under control, including express authority to regulate and close places of amusement and assembly; to suspend or limit the sale, dispensing, use or transportation of alcoholic beverages; and to prohibit and control the presence of persons on public streets and places;

**NOW, THEREFORE**, effective 4:30 p.m. on December 13, 2021, pursuant to the powers granted to me by New York State Executive Law Section 24, and in order to adequately protect life and property and to bring the emergency situation under control, it is hereby

**ORDERED** that the Chief of Police ("Chief") is hereby authorized to direct the immediate closure of any commercial building (as defined in City Code Section 120-208) or portion thereof ("the property") where both of the following conditions apply:

- A. During the 12-month period preceding the issuance of this Order, violations as set forth in City Charter Section 10-12(B) have occurred at the property such that the property has accrued 12 nuisance points in a six-month period or 18 nuisance points in a 12-

month period and, therefore, the property is deemed to be a public nuisance. In assessing points for purposes of this Emergency Order, points shall be counted as accrued notwithstanding any pending application for review before the Nuisance Advisory Board; and

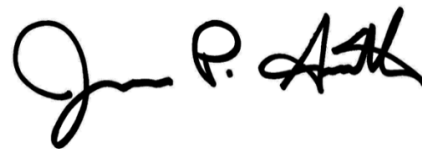
- B. During the thirty-day period preceding the issuance of this Order, a shooting has occurred at the property or immediately adjacent to the property as a result of the operation of the business.

Upon determining that a property is to be closed pursuant to this Emergency Order, the Chief shall provide written notice to the owner of the real property by overnight mailing to the owner's address as it is maintained on record with the City Treasurer pursuant to City Charter §§ 6-118 and 6-119 and shall also post the closure order at the property for a period of no less than 24 hours. Upon conclusion of the 24-hour posting period, the property shall be closed and boarded. Once closed, the property shall remain closed for the duration of the Proclamation of Local Emergency due to Gun Violence and for any period of renewal or extension of that Proclamation of Emergency.

Where a property that has been closed or is subject to closure under this Order has entered into a nuisance abatement or resolution plan with the City of Rochester, and there have been no further nuisance violations at the property following adoption of such plan, the Chief may, in his discretion, decide to allow the property to continue to operate without closure.

This **Emergency Order** shall be published in the local paper and publicized by an announcement over not less than two radio or television stations within normal operating range of the City and shall remain in force and effect until an announcement that it has been rescinded or expires pursuant to Executive Law Section 24, whichever occurs first.

Dated: December 13, 2021  
Time: 4:00 p.m.

A handwritten signature in black ink, appearing to read "James P. Smith", with a stylized flourish at the end.

James P. Smith  
Mayor, City of Rochester

Instructions:

- 1) Complete or adapt checklist form as necessary.
- 2) Per Exec Law § 24: The Proclamation must be executed in **quadruplicate** and sent within 72 hours, or as soon thereafter as practical, to:
  - a. The City Clerk
  - b. The Monroe County Clerk: 101 County Office Bldg, 39 W Main St, Rochester NY, 14614, [mcclerk@monroecounty.gov](mailto:mcclerk@monroecounty.gov)
  - c. New York Secretary of State: One Commerce Plaza, 99 Washington Ave, Albany, NY 12231-0001
  - d. New York State Watch Center, Office of Emergency Management, Division of Homeland Security and Emergency Services: 1220 Washington Ave, Building 22, Albany, NY 12226
- 3) Per Exec Law § 24: Notice of the Proclamation and Emergency Orders must be sent to:
  - a. The Democrat & Chronicle:
    - a.i. Scott Norris ([snorris@democratandchronicle.com](mailto:snorris@democratandchronicle.com))
    - a.ii. Brian Sharp ([bdsharp@democratandchronicle.com](mailto:bdsharp@democratandchronicle.com))
  - b. Local television and radio stations:
    - b.i. [news10@whec.com](mailto:news10@whec.com)
    - b.ii. [news1@whec.com](mailto:news1@whec.com)
    - b.iii. [newsroom@rochesterhomepage.net](mailto:newsroom@rochesterhomepage.net)
    - b.iv. [news@rochesterhomepage.net](mailto:news@rochesterhomepage.net)
    - b.v. [pattisinger@minorityreporter.net](mailto:pattisinger@minorityreporter.net)
    - b.vi. [rbj@rbj.net](mailto:rbj@rbj.net)
    - b.vii. [assignment@charter.com](mailto:assignment@charter.com)
    - b.viii. [TheChallengerNews@gmail.com](mailto:TheChallengerNews@gmail.com)
    - b.ix. [rochester@twcnews.com](mailto:rochester@twcnews.com)
    - b.x. [wdkx@wdkx.com](mailto:wdkx@wdkx.com)
    - b.xi. [news@13wham.com](mailto:news@13wham.com)
    - b.xii. [whamnews@iheartmedia.com](mailto:whamnews@iheartmedia.com)
    - b.xiii. [newsroom@wroctv.com](mailto:newsroom@wroctv.com)
    - b.xiv. [newsroom@wxxi.org](mailto:newsroom@wxxi.org)
    - b.xv. [southwesttribunenewspaper@gmail.com](mailto:southwesttribunenewspaper@gmail.com)
- 4) Send copies of the Proclamation to:
  - a. Monroe County Executive: Adam Bello: 110 County Office Building, 39 W Main St, Rochester NY, 14614
  - b. Monroe County Health Department: Michael Mendoza, 111 Westfall Road, Room 952, Rochester, NY 14620, [mchealth@monroecounty.gov](mailto:mchealth@monroecounty.gov)
- 5) **NOTE:** This Proclamation will expire within 30 days, unless renewed for additional 30-day increments, pursuant to Executive Law Section 24(1).
- 6) **NOTE:** The Emergency Orders will expire within 5 days, unless renewed for additional 5-increments, pursuant to Executive Law Section 24(2).